

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**



Revised 07/07 WDNV

PAULA DAPSON

Jury Trial Demanded: Yes ☒ No ☐

Name(s) of Plaintiff or Plaintiffs

-VS-

DISCRIMINATION COMPLAINT

CITY OF ROCHESTER
ROCHESTER POLICE DEPARTMENT

17 -CV- 6704 - CSS

Name of Defendant or Defendants

You should attach a copy of your **original Equal Employment Opportunity Commission (EEOC) complaint**, a copy of the Equal Employment Opportunity Commission **decision**, AND a copy of the **"Right to Sue"** letter you received from the EEOC to this complaint. Failure to do so may delay your case.

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub.L.No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

_____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub.L.No. 99-592, the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you **must first file charges** with the Equal Employment Opportunity Commission.

_____ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (amended by the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

JURISDICTION is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub.L.No. 102-166, and any related claims under New York law.

In addition to the federal claims indicated above, you may wish to include New York State claims, pursuant to 28 U.S.C. § 1367(a).

✓ New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

PARTIES

1. My address is: 4 FOREST KNOLL, PITSFORD, NY 14534

My telephone number is: 315.857.3737

2. The name of the employer(s), labor organization, employment agency, apprenticeship committee, state or local government agency who I believe discriminated against me is/are as follows:

Name: ROCHESTER POLICE DEPARTMENT

Number of employees: 300 +

Address: 185 EXCHANGE BOULEVARD
ROCHESTER, NY 14614

3. (If different than the above), the name and/or the address of the defendant with whom I sought employment, was employed by, received my paycheck from or whom I believed also controlled the terms and conditions under which I were paid or worked. (For example, you worked for a subsidiary of a larger company and that larger company set personnel policies and issued you your paycheck).

Name: _____

Address: _____

CLAIMS

4. I was first employed by the defendant on (date): AUGUST 2009

5. As nearly as possible, the date when the first alleged discriminatory act occurred is: DECEMBER 2015
6. As nearly as possible, the date(s) when subsequent acts of discrimination occurred (if any did): DECEMBER 2015 - OCTOBER 5, 2017
JANUARY 2017 - JUNE 2017
7. I believe that the defendant(s)
- a. Are still committing these acts against me.
- b. ✓ Are not still committing these acts against me.
- (Complete this next item **only** if you checked "b" above) The last discriminatory act against me occurred on (date) JANUARY - JUNE 2017
8. (Complete this section **only** if you filed a complaint with the New York State Division of Human Rights)
- The date when I filed a complaint with the New York State Division of Human Rights is JUNE 14, 2016, DECEMBER 5, 2016
(estimate the date, if necessary)
- I filed that complaint in (identify the city and state): ROCHESTER, NY
- The Complaint Number was: 525-2016-00653, 525-2017-00127
9. The New York State Human Rights Commission did /did not ✓ issue a decision. (NOTE: If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
10. The date (if necessary, estimate the date as accurately as possible) I filed charges with the Equal Employment Opportunity Commission (EEOC) regarding defendant's alleged discriminatory conduct is: JUNE 14, 2016, DECEMBER 5, 2016
11. The Equal Employment Opportunity Commission did ✓ /did not issue a decision. (NOTE: If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
12. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which I received on: JULY 24, 2017. (NOTE: If it

did issue a Right to Sue letter, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)

13. I am complaining in this action of the following types of actions by the defendants:

- a. ☐ Failure to provide me with reasonable accommodations to the application process
- b. ☐ Failure to employ me
- c. ☐ Termination of my employment
- d. ☐ Failure to promote me
- e. ☐ Failure to provide me with reasonable accommodations so I can perform the essential functions of my job
- f. ☒ Harassment on the basis of my sex
- g. ☐ Harassment on the basis of unequal terms and conditions of my employment
- h. ☒ Retaliation because I complained about discrimination or harassment directed toward me
- i. ☐ Retaliation because I complained about discrimination or harassment directed toward others
- j. ☒ Other actions (please describe) CONSTRUCTIVE DISCHARGE

14. Defendant's conduct is discriminatory with respect to which of the following (*check all that apply*):

- a. ☐ Race
- b. ☐ Color
- c. ☒ Sex
- d. ☐ Religion
- e. ☐ National Origin
- f. ☒ Sexual Harassment
- g. ☐ Age
_____ Date of birth
- h. ☐ Disability
Are you incorrectly perceived as being disabled by your employer?
____ yes ____ no

15. I believe that I was ☒ /was not ☐ intentionally discriminated against by the defendant(s).

16. I believe that the defendant(s) is/are _____ is not/are not ☒ still committing these acts against me. (If you answer is that the acts are not still being committed, state when: _____ and why the defendant(s) stopped committing these acts against you: NO LONGER EMPLOYED BY DEFENDANT & A CEASE & DESIST LETTER WAS ISSUED TO DEFENDANT FOR LAST RETALIATORY ACTION.
17. A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of my claim. (NOTE: You must attach a copy of the original complaint you filed with the Equal Employment Opportunity Commission and a copy of the Equal Employment Opportunity Commission affidavit to this complaint; failure to do so will delay initiation of your case.)
18. The Equal Employment Opportunity Commission (check one):
☐ has not issued a Right to sue letter
☒ has issued a Right to sue letter, which I received on July 24, 2017
19. State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

SEE ATTACHED DOCUMENTS :

- EXHIBIT A - PARAGRAPHS NUMBERED 1-103 (9 pgs)
- DISMISSAL/NOTICE OF RIGHTS/RIGHT TO SUE LETTER
- CHARGE OF DISCRIMINATION - CHARGE # 525-2016-00653
W/ ATTACHED AFFIDAVIT DATED JUNE 7, 2016
- CHARGE OF DISCRIMINATION - CHARGE # 525-2017-00127
W/ ATTACHED AFFIDAVIT DATED DECEMBER 1, 2016

FOR LITIGANTS ALLEGING AGE DISCRIMINATION

20. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct
 _____ 60 days or more have elapsed _____ less than 60 days have elapsed

FOR LITIGANTS ALLEGING AN AMERICANS WITH DISABILITIES ACT CLAIM

21. I first disclosed my disability to my employer (or my employer first became aware of my disability on _____)

22. The date on which I first asked my employer for reasonable accommodation of my disability is _____

23. The reasonable accommodations for my disability (if any) that my employer provided to me are: _____

24. The reasonable accommodation provided to me by my employer were ____/were not ____ effective.

WHEREFORE, I respectfully request this Court to grant me such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

Dated: 10/11/2017

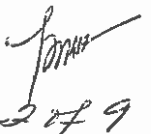

Plaintiff's Signature

PAULA DAPSON — EXHIBIT A

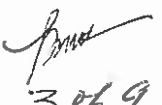
1. I was employed by the Rochester Police Department (“RPD” or “Respondent”) as a civilian Evidence Technician from August 2009 - October 2016 at Respondent’s main headquarters location on Exchange Boulevard in Rochester.
2. As an Evidence Technician I report directly to Sgt. Michael Coon, the supervisor of the Technician Unit.
3. On or around October 20, 2011 I notified Respondent of severe sexual harassment that I suffered by Respondent’s Officer, Eliud Rodriquez.
4. At that time I indicated that I felt physically threatened by the Officer given a number of incidents that occurred during a Respondent sponsored training event out of state in July 2011.
5. In response to my complaint, on October 26, 2011, the then RPD Chief, James Sheppard, issued an Order directing the Officer to have no further contact of any kind with me. The Order has never expired and per the terms of that Order the Officer was transferred to a different shift and location.
6. In late May 2012, I discovered that the Officer had been transferred back to my work site and was working on a similar schedule to my own.
7. I again complained about Respondent’s failure to comply with the Order and after discussion between my then attorney and Respondent’s attorney, the Officer was eventually moved out of my work site and off of my schedule.

Paula Dapson
10/9

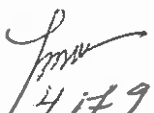
8. Unfortunately, since that time, this matter has only continued to escalate and I was subjected to a hostile work environment in retaliation for my complaints of discrimination.
9. In early December 2015, the Officer was again placed in a position as an investigator on a shift that directly overlaps with my shift for four hours.
10. Additionally, investigators on this shift typically work well over their shift hours which would overlap our schedules by 6-7 hours.
11. This action was particularly concerning given that investigators and technicians have to work closely together in the furtherance of each of their duties.
12. I immediately reported this issue to my union representation who notified the Chief of the issue.
13. My concerns were completely ignored and the Officer was left on my shift for approximately two months.
14. After my complaint I immediately noticed increased surveillance by Sgt. Coon of my daily workings within the Department.
15. It is well known that Sgt. Coon and Officer Rodriguez are friends.
16. Because of Respondent's failure to take action, on February 2, 2016, I came face to face with the Officer while in the course of my normal job duties. I immediately notified my chain of command of the encounter and immediately left the job premises.

Handwritten signature and date 2/2/9

17. Incredulously, on February 10, 2016 for the first time in my career I became the subject of an investigation regarding my job performance.
18. Prior to that date I was considered an excellent employee and was highly regarded for my performance in the Unit.
19. Inexplicably, on March 15, 2016, I was again reprimanded for perceived performance issues.
20. It is my understanding that these alleged "performance issues" are merely manufactured issues being used in furtherance of taking disciplinary action against me in retaliation for my complaints.
21. After my complaint I also began being denied discretionary overtime despite the fact that others in my Unit were granted such time.
22. Since my most recent complaint I have also been subjected to the purposeful isolation of myself within the Unit, my supervisor has encouraged other employees to not communicate with me regarding my cases, and has induced the same employees to gather information to use against me.
23. I was also given a negative evaluation by Sgt. Coon in February 2016 solely because of his fabricated opinion that I cannot get along with others.
24. Notably, I had been treated differently than others in my Unit since my initial complaint. For example, I have only received very basic video retrieval training since 2012 while the rest of my Unit has been sent to several educational training sessions to help them enhance their job skills.

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25. When I was out of work on medical leave, it was my understanding that Respondent did not intend to comply with the terms of the Order moving forward and that the Officer may remain in close proximity to me upon my return.
26. I filed a claim of sexual harassment retaliation with the EEOC against the RPD on June 14, 2016, Charge No. 525-2016-00653 with an amendment dated December 5, 2016, Charge No. 525-2017-00127.
27. At the date of the initial filing, I was on medical leave from the RPD.
28. I fully returned to work on the evening of June 28, 2016.
29. Upon my return, I was again subjected to a hostile work environment in retaliation for my previous discrimination complaints.
30. Immediately upon my return I discovered that my supervisor, Sgt. Coon, had reassigned my call number which identifies me over the radio to other Officers and Technicians. He had also reassigned my RPD vehicle number.
31. I worked as a Technician at the RPD for over 7 years and only ever had two call numbers and one vehicle number assigned to me. All Officers and Dispatchers know me by my call and vehicle number.
32. My numbers were permanently reassigned to the newest employee in the Technician Unit by Sgt. Coon while I was out on leave. In return, I was given a "floater" number, which meant that I had multiple different numbers and vehicle assignments depending on my shift.


4179

33. Such a change is unprecedented and I know of no other instance where an individual on medical leave was stripped of their numbers.
34. Further, Sgt. Coon never informed me of the change and I was forced to discover it on my own. Had I not realized the change I would have missed or inadvertently ignored calls.
35. Further, upon my return I was no longer allowed to work homicide cases which is a large portion of my position and also significantly limited the availability of overtime to me and diminished my experience and skills.
36. All other Technicians were allowed large amounts of discretionary overtime.
37. On July 12, 2016 I was publicly kicked off a homicide scene in front of at least 30 people by Sgt. Coon. There was absolutely no reason for my removal from that site.
38. Such action caused me severe distress and humiliation.
39. Prior to December 2015 when I again began complaining of discrimination in the workplace, I was considered a highly experienced and reliable technician for homicide scenes.
40. I later learned that Sgt. Coon informed other department members that I was no longer allowed on homicides because I could not "be trusted."
41. Further, upon my return I was ignored by Sgt. Coon who refused to speak to me or answer my emails unless it involved disciplining or reprimanding

[Handwritten signature]
5 of 9

me in some manner. His behavior toward me was much different than the friendly and cordial relationships he had with all other Technicians.

42. He also began having other Technicians engage in surveillance toward me to make sure I was where I purported to be. Those Technicians were also provided large amounts of additional professional training which was not offered to me.
43. On July 11, 2016 I was summoned to the Professional Standards Section to be interviewed regarding my claims of retaliation. That interview lasted more than three hours and to date, I have no knowledge of any outcome of that investigation.
44. On August 3, 2016 I was written up by Sgt. Coon for an evidence issue. I am aware of other instances in which other Technicians have had the same issue, and have not been issued a write up.
45. Sgt. Coon further questioned the credibility of an overtime slip I submitted regarding a meeting I had with the District Attorney's Office (which is a standard part of my job). Such questions are unprecedented and to date, the overtime has not been paid to me.
46. On August 14, 2016 I learned that Officer Rodriguez, the individual who sexually harassed me, was again being placed in a temporary position (a promotion) that would guarantee his shift would overlap with my shift therefore, violating the RPD's No Contact Order that is the subject of my initial EEOC complaint.

John
10/24/17

47. On September 6, 2016, that Order was violated when Officer Rodriguez and I were forced to work on a crime scene together. At the time, I raised the issue with the commanding officer and was told there was nothing he could do about it.
48. Soon thereafter, I again went out on medical leave because of the stress and anxiety caused by the interaction.
49. Throughout August and September 2016, Sgt. Coon would question any overtime I submitted and placed my meetings with the DA's office under constant scrutiny. No other Technicians were subject to such scrutiny.
50. On September 21, 2016 I learned that Officer Rodriguez was being fully promoted to investigator and would permanently be placed on a shift that would guarantee his overlap with my shift thereby placing him in full contact with me and violating the Department Order.
51. As a result of the escalating and hostile work environment in which I was working on September 21, 2016 I forcibly resigned my position with the RPD effective October 5, 2016.
52. While I resigned my position, I did so only because my working conditions were made to be so unreasonable that I had no choice but to resign my position. Therefore, because of the retaliation I suffered, I was constructively discharged from my position.

[Signature]
749

53. I then filed an amended charge (Charge No. 525-2017-00127) outlining the additional retaliatory actions taken against me including my constructive discharge.
54. After my discharge I received an illegal deduction from my last paycheck . I contacted RPD to inquire about that deduction and was told I was not being paid for 30 minutes of time because Sgt. Coon indicated I had an unauthorized absence for the last 30 minutes of my last shift.
55. Such an allegation is false. I never left early and in fact, was packing all of my gear, equipment and uniforms and returning those. I was also cleaning out my desk and locker and did not leave until my designated time of 7am.
56. Since my separation from the RPD, I have been unable to find work for which I am highly qualified and I have been "blacklisted" by the RPD because of the issues described above.
57. Additionally, in February 2016 I discovered my personnel file posted on the Internet by the RPD on a publicly available website.
58. This file contained the entire contents of the PSS investigation including interviews, a document that included my name, address, phone number, birth date, social security number, details of my employment, and other highly sensitive and derogatory information.
59. This action of online libel is a clear retaliatory action and has directly affected my ability to find employment.

James
8/7/9

60. Because of my constructive discharge caused by the retaliation I suffered in violation of Title VII of the Civil Rights Act and the New York State Human Rights Law and the retaliatory action of online libel, I have suffered significant damages including lost wages and benefits and extreme emotional distress.
61. As previously noted, I have filed a claim of sexual harassment retaliation with the EEOC against the RPD on June 14, 2016, Charge No. 525-2016-00653 with an amendment dated December 5, 2016, Charge No. 525-2017-00127.
62. I received a Right to Sue letter from the EEOC on July 24, 2017.
63. Therefore, I bring this action seeking monetary damages and any other relief deemed proper under Title VII of the Civil Rights Act, the New York State Human Rights Law and various New York common law principles including defamation and libel.

Handwritten signature and date 9/7/9

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Paula Dapson
10 Aston Villa
North Chill, NY 14514

From: Boston Area Office
John F. Kennedy Fed Bldg
Government Ctr, Room 475
Boston, MA 02203



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(e))

EEOC Charge No.

EEOC Representative

Telephone No.

525-2016-00653

Luis E. Olivares,
Investigator

(617) 565-3206

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; In other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Feng K. An,
Area Office Director

JUL 17 2017

(Date Mailed)

Enclosures(s)

cc:

Tassie Demps
Human Resources Director
CITY OF ROCHESTER
Department Human Resources Management
City Hall, Room 103A, 30 Church Street
Rochester, NY 14614

Kimberly A. Glennon, Esq.
THE LAW OFFICE OF KIMBERLY A GLENNON
160 Linden Oaks
Rochester, NY 14625

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

9 FEPA

X EEOC

CHARGE NUMBER

525-2016-00653

New York State Division of Human Rights
State or Local Agency, if any

and EEOC

Name (Indicate Mr., Ms., Mrs.)

Paula Dapson

Home Telephone (Include Area Code)

(315) 857-3737

STREET ADDRESS

CITY, STATE AND ZIP CODE

10 Aston Villa

North Chili, New York 14514

DATE OF BIRTH

5/25/1976

JAMES IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT
AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Rochester Police Department

NUMBER OF EMPLOYEES, MEMBERS

300+

TELEPHONE (Include Area Code)

(585) 428-6718

STREET ADDRESS

CITY, STATE AND ZIP CODE

185 Exchange Boulevard

Rochester, New York 14614

COUNTY

Monroe

NAME

TELEPHONE NUMBER (Include Area Code)

JUN 14 2016

STREET ADDRESS

CITY, STATE AND ZIP CODE

CAUSE OF DISCRIMINATION BASED ON (Check Appropriate Box(es))

RACE COLOR SEX RELIGION NATIONAL ORIGIN

X RETALIATION AGE DISABILITY OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE

EARLIEST

LATEST

CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)). (Please also see attached Affidavit of Complainant)

- 1 I began working for Respondent in August 2009 as an Evidence Technician at Respondent's main headquarters location
- 2 On or around October 20, 2011, I notified Respondent of sexual harassment that occurred by Respondent's Officer, Elud Rodriguez
- 3 I indicated that I felt physically threatened by the Officer given a number of incidents that occurred during a Respondent sponsored training event out of state
- 4 In response to my complaint, on October 26, 2011, the then RPD Chief, James Sheppard, issued an Order directing the Officer to have no further contact with me. Per the terms of that Order, the Officer was transferred to a different shift and location. The Order has never expired
- 5 In late May 2012, I discovered that the Officer had been transferred back to my worksite and schedule, in violation of the Order. I complained about Respondent's failure to comply with the Order.
- 6 After discussions with my attorney, Respondent eventually moved the Officer out of my worksite and off my schedule.
- 7 Unfortunately, this matter has only continued to escalate and I am now subject to a hostile work environment in retaliation for my complaints of discrimination.
- 8 In early December 2015, the Officer was again placed in a position as an investigator on a shift that directly overlaps with my shift for four hours. This was especially concerning given the close contact required between investigators and technicians.
- 9 I immediately reported this issue to my Union representation who reported this to the Chief. My concerns were ignored.
- 10 Because of Respondent's failure to take action, on February 2, 2016, I came face to face with the Officer while in the course of my job duties.
- 11 Incredulously, on February 10, 2016 for the first time in my career I became the subject of an investigation regarding my job performance. The investigation was initiated by my supervisor Sgt Coon. Prior to that date I was a highly regarded employee with an excellent performance record.
- 12 On March 15, 2016 I was again reprimanded for fabricated performance issues.
- 13 Further, after my last complaint I began being denied discretionary overtime by Sgt. Coon despite the fact that others in my unit were granted such time.
- 14 While I am currently out of work on medical leave, it is my understanding that Respondent does not intend to comply with the terms of the Order moving forward.
- 15 Therefore, I charge Respondent with violations of the retaliation provisions of Title VII of the Civil Rights Act.

want this charge filed with both the EEOC and the State or Local agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

Complainant's Counsel:

Kimberly A. Glennon, Esq.

60 Linden Oaks

Rochester, NY 14625 585-389-6102

I declare under penalty of perjury that the foregoing is true and correct.

Date

Charging Party (Signature)

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

EMMA A. RABIDEAU

Notary Public, State of New York

No. 02RA6318792

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year) Expires Feb. 2, 2017

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

PAULA DAPSON,

Charging Party,

v.

ROCHESTER POLICE DEPARTMENT,

Respondent.

EEOC AFFIDAVIT

Charge No. *525-2016-00653*

**STATE OF NEW YORK) ss:
COUNTY OF MONROE)**

PAULA DAPSON, being duly sworn, deposes and states:

1. I have been employed by the Rochester Police Department ("RPD" or "Respondent") as a civilian Evidence Technician since August 2009 at Respondent's main headquarters location on Exchange Boulevard in Rochester.
2. As an Evidence Technician I report directly to Sgt. Michael Coon, the supervisor of the Technician Unit.
3. On or around October 20, 2011 I notified Respondent of severe sexual harassment that I suffered by Respondent's Officer, Eliud Rodriquez.
4. At that time I indicated that I felt physically threatened by the Officer given a number of incidents that occurred during a Respondent sponsored training event out of state in July 2011.
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7. I again complained about Respondent's failure to comply with the Order and after discussion between my then attorney and Respondent's attorney, the Officer was eventually moved out of my worksite and off of my schedule.
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13. My concerns were completely ignored and the Officer was left on my shift for approximately two months.
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15. It is well known that Sgt. Coon and Officer Rodriquez are friends.
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20. It is my understanding that these alleged "performance issues" are merely manufactured issues being used in furtherance of taking disciplinary action against me in retaliation for my complaints.

21. After my complaint I also began being denied discretionary overtime despite the fact that others in my Unit were granted such time.

22. Since my most recent complaint I have also been subjected to the purposeful isolation of myself within the Unit, my supervisor has encouraged other employees to not communicate with me regarding my cases, and has induced the same employees to gather information to use against me.

23. I was also given a negative evaluation by Sgt. Coon in February 2016 solely because of his fabricated opinion that I cannot get along with others.

24. Notably, I have been treated differently than others in my Unit since my initial complaint. For example, I have only received very basic video retrieval training since 2012 while the rest of my Unit has been sent to several educational training sessions to help them enhance their job skills.

25. While I am currently out of work on medical leave, it is my understanding that Respondent does not intend to comply with the terms of the Order moving forward and that the Officer may remain in close proximity to me upon my return.

26. Therefore, based on the foregoing, I charge Respondent with violations of the retaliation provisions of Title VII of the Civil Rights Act.

Dated: June 7, 2016



PAULA DAPSON

Sworn to before me this 7

day of JUNE, 2016



Notary Public

EMMA A. RABIDEAU
Notary Public, State of New York
No. 02RA6318792
Qualified in Monroe County
Commission Expires Feb. 2, 2019

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

9 FEPA

X EEOC

CHARGE NUMBER

525-2017-00127

New York State Division of Human Rights

and EEOC

State or Local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Paula Dapson

Home Telephone (Include Area Code)

(315) 857-3737

STREET ADDRESS

CITY, STATE AND ZIP CODE

10 Aston Villa

North Chili, New York 14514

DATE OF BIRTH

5/25/1976

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Rochester Police Department

NUMBER OF EMPLOYEES, MEMBERS

300+

TELEPHONE (Include Area Code)

(585) 428-6718

STREET ADDRESS

CITY, STATE AND ZIP CODE

185 Exchange Boulevard

Rochester, New York 14614

COUNTY

Monroe

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check Appropriate Box(es))

RACE COLOR SEX RELIGION NATIONAL ORIGIN

X RETALIATION AGE DISABILITY X OTHER (Specify) Constructive Discharge

DATE DISCRIMINATION TOOK PLACE

EARLIEST

LATEST

Ongoing violation

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)). (Please also see attached Affidavit of Complainant)

- 1 I was employed by the Rochester Police Department as a civilian Evidence Technician from August 2009-October 2016 at Respondent's main headquarters location on Exchange Boulevard in Rochester.
- 2 I filed a claim of sexual harassment retaliation with the EEOC against the RPD on June 14, 2016. That matter is ongoing and is Charge No. 525-2016-00653.
- 3 As of the date of that filing, I was on medical leave from the RPD.
- 4 I fully returned to work on the evening of June 28, 2016.
- 5 The retaliation for my complaints of discrimination continued after my return.
- 6 The details of which are outlined in the attached Affidavit of Complainant and hereby incorporated into this Charge.
- 7 As set forth in the attached Affidavit, ultimately, I was constructively discharged from my position with the RPD and my last day was October 5, 2016.
- 8 My working conditions were made to be so unreasonable that I had no choice but to resign my position on September 21, 2016 effective October 5, 2016.
- 9 Therefore, based on the foregoing, the attached Affidavit of Complainant and in conjunction with my initial EEOC Charge of Discrimination, I charge Respondent with violations of the retaliation and constructive discharge provisions of Title VII of the Civil Rights Act.

want this charge filed with both the EEOC and the State or Local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

Complainant's Counsel:

Kimberly A. Glennon, Esq.

160 Linden Oaks

Rochester, NY 14625 585-389-6102

I declare under penalty of perjury that the foregoing is true and correct.

X

Date

Charging Party (Signature)

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

X

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year) PETER J. GLENNON

Notary Public, State of New York
No. 02GL6133899

Qualified in Monroe County
Commission Expires September 19, 2017

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

PAULA DAPSON,

Charging Party,

v.

ROCHESTER POLICE DEPARTMENT,

Respondent.

RECEIVED
DEC 05 2016
E.E.O.C. BULO

EEOC AFFIDAVIT

Charge No. 525-2017-00127

**STATE OF NEW YORK) ss:
COUNTY OF MONROE)**

PAULA DAPSON, being duly sworn, deposes and states:

1. I was employed by the Rochester Police Department ("RPD" or "Respondent") as a civilian Evidence Technician from August 2009 - October 2016 at Respondent's main headquarters location on Exchange Boulevard in Rochester.
2. I filed a claim of sexual harassment retaliation with the EEOC against the RPD on June 14, 2016. That matter is ongoing and is Charge No. 525-2016-00653.
3. It is my understanding that Charge has not yet been assigned to a specific investigator.
4. As of the date of that filing, I was on medical leave from the RPD.
5. I fully returned to work on the evening of June 28, 2016.
6. Upon my return, I was again subjected to a hostile work environment in retaliation for my previous discrimination complaints.
7. Immediately upon my return I discovered that my supervisor, Sgt. Coon, had reassigned my call number which identifies me over the radio to other Officers and Technicians. He had also reassigned my RPD vehicle number.

8. I worked as a Technician at the RPD for over 7 years and only ever had two call numbers and one vehicle number assigned to me. All Officers and Dispatchers know me by my call and vehicle number.
9. My numbers were permanently reassigned to the newest employee in the Technician Unit by Sgt. Coon while I was out on leave. In return, I was given a "floater" number, which meant that I had multiple different numbers and vehicle assignments depending on my shift.
10. Such a change is unprecedented and I know of no other instance where an individual on medical leave was stripped of their numbers.
11. Further, Sgt. Coon never informed me of the change and I was forced to discover it on my own. Had I not realized the change I would have missed or inadvertently ignored calls.
12. Further, upon my return I was no longer allowed to work homicide cases which is a large portion of my position and also significantly limited the availability of overtime to me and diminished my experience and skills.
13. All other Technicians were allowed large amounts of discretionary overtime.
14. On July 12, 2016 I was publicly kicked off a homicide scene in front of at least 30 people by Sgt. Coon. There was absolutely no reason for my removal from that site.
15. Such action caused me severe distress and humiliation.
16. Prior to December 2015 when I again began complaining of discrimination in the workplace, I was considered a highly experienced and reliable technician for homicide scenes.
17. I later learned that Sgt. Coon informed other department members that I was no longer allowed on homicides because I could not "be trusted."

18. Further, upon my return I was ignored by Sgt. Coon who refused to speak to me or answer my emails unless it involved disciplining or reprimanding me in some way. His behavior toward me was much different than the friendly and cordial relationships he had with all other Technicians.

19. He also began having other Technicians engage in surveillance toward me to make sure I was where I purported to be. Those Technicians were also provided large amounts of additional professional training which was not offered to me.

20. On July 11, 2016 I was summoned to the Professional Standards Section to be interviewed regarding my claims of retaliation. That interview lasted more than three hours and to date, I have no knowledge of any outcome of that investigation.

21. On August 3, 2016 I was written up by Sgt. Coon for an evidence issue. I am aware of other instances in which other Technicians have had the same issue, and have not been issued a write up.

22. Sgt. Coon further questioned the credibility of an overtime slip I submitted regarding a meeting I had with the District Attorney's Office (which is a standard part of my job). Such questions are unprecedented and to date, the overtime has not been paid to me.

23. On August 14, 2016 I learned that Officer Rodriguez, the individual who sexually harassed me was again being placed in a temporary position (a promotion) that would guarantee his shift would overlap with my shift therefore, violating the RPD's No Contact Order that is the subject of my initial EEOC complaint.

24. On September 6, 2016, that Order was violated when Officer Rodriguez and I were forced to work on a crime scene together. At the time, I raised the issue with the commanding officer and was told there was nothing he could do about it.

25. Soon thereafter, I again went out on medical leave

26. Throughout August and September 2016, Sgt. Coon would question any overtime I submitted and placed my meetings with the DA's office under constant scrutiny. No other Technicians were subject to such scrutiny.

27. On September 21, 2016 I learned that Officer Rodriguez was being fully promoted to investigator and would permanently be placed on a shift that would guarantee his overlap with my shift thereby placing him in full contact with me and violating the Department Order.

28. As a result of the escalating and hostile work environment in which I was working, on September 21, 2016 I resigned my position with the RPD effective October 5, 2016.

29. While I resigned my position, I did so only because my working conditions were made to be so unreasonable that I had no choice but to resign my position. Therefore, because of the retaliation I suffered, I was constructively discharged from my position.

30. After my discharge I received an illegal deduction from my last paycheck. I contacted RPD to inquire about that deduction and was told I was not being paid for 30 minutes of time because Sgt. Coon indicated I had an unauthorized absence for the last 30 minutes of my last shift.

31. Such an allegation is false. I never left early and in fact, was packing all of my gear, equipment and uniforms and returning those. I was also cleaning out my desk and locker and did not leave until my designated time of 7am.

32. I have since been told that I will be paid for that time but to date, I have not received that check.

33. Since my separation from the RPD, I have been unable to find work for which I am highly qualified and believe I have been "blacklisted" by the RPD because of the issues described above.

34. Because of my constructive discharge, I have suffered significant damages including lost wages and benefits and extreme emotional distress.

35. Therefore, based on the foregoing and in conjunction with my other Charge of Discrimination, I again charge Respondent with violations of the retaliation and constructive discharge provisions of Title VII of the Civil Rights Act.

Dated: December 1, 2016


PAULA DAPSON

Sworn to before me this 1

day of December 2016


Notary Public

PETER J. GLENNON
Notary Public, State of New York
No. 02GL6133899
Qualified in Monroe County
Commission Expires September 19, 2017